

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JAMES KOMMER, on behalf of himself and all  
others similarly situated,

..... No. 1:16-cv-01560 (DAB)

Plaintiff,

..... - against -

BAYER CONSUMER HEALTH,  
a division of Bayer AG, BAYER  
CONSUMER CARE HOLDINGS LLC,  
BAYER HEALTHCARE LLC, BAYER  
CORPORATION, and MSD CONSUMER  
CARE, INC.,

..... Defendants.

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**NOTICE OF DEFENDANTS' MOTION TO DISMISS**  
**PLAINTIFF'S FIRST AMENDED COMPLAINT**

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law in  
Support of Defendants' Motion to Dismiss, dated May 6, 2016, and the accompanying  
Declaration of James D. Arden, executed May 6, 2016, including the exhibit thereto, Defendants  
Bayer Consumer Health, Bayer Consumer Care Holdings LLC, Bayer Healthcare LLC, and  
Bayer Corporation move this Court, before the Honorable Judge Deborah Batts, in Courtroom  
24B at the United States Courthouse, 500 Pearl Street, New York, New York 10007, at a date  
and time to be determined by the Court, for an Order dismissing the First Amended Complaint,  
and all Counts therein, and granting such other and further relief as requested and as this Court  
deems just and proper in the above-captioned case, pursuant to Federal Rules of Civil Procedure  
8, 12(b)(1), and 12(b)(6).

Dated: May 6, 2016

Respectfully submitted,

SIDLEY AUSTIN LLP

By: /s/ James D. Arden

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